HIGH COURT OF UTARANCHAL AT NAINITAL

Civil Revision No. 379 of 2001
(Old No. 253 of 2000)

Raj Kumar Agrawal S/o Shobharam,
R/o Village Bhagwanpur, P.O. Bhagwanpur,
Tehsil- Roorki, District- Haridwar, ...Revisionists

Vs

State bank of India,
Body corporated duly constituted,
By State Bank of India Act, 1955.
Having his General Office Madam Rama,
Regd. Nariman Point Bambay and one of
The Local Head Office at 11, Parliament,
Street New Delhi, and amongst other one
Of the branch at Bhagwanpur Tehsil,
Roorkee, District- Saharanpur (Now Haridwar.) ...Respondents

Dated:- 05-04-2006

Hon'ble B.S. Verma, J.

It is transfer case from Allahabad High Court. Notices were issued to the parties. It reveals from the office report that the service is sufficient on both the parties.

The Civil Revision has been filed for quashing the impugned order dated 10.4.2000 passed by the Civil Judge Senior Division, Roorkee, District Haridwar in execution case No. 1 for 1997, whereby the objection 7 © of the revisionist has been dismissed.

The suit was decreed for recovery for the loan against the revisionist and it was ordered that the revisionist shall pay the loan in installments and first installment was due in the year 1984 and in case of default it was ordered that the opposite party decree holder shall be entitled to recover the amount in lump sum. The objection raised by the revisionist before executing court was that the execution was time barred which has been rejected on the ground that in case the revisionist J.D. was given time to pay the decreetal amount in 12 years, it cannot be said that the

execution has become time barred. The opposite party/decree holder applied for execution of the decree. It is admitted to the revisionist that he had taken loan from the State Bank of India, opposite party and the learned executing court after considering the objections came to the conclusion that execution application is maintainable and the objection filed by the revisionist is not sustainable in the eye of law. The executing court did not commit any error in rejecting the objection of the revisionist. This is not a fit case for interference in the revisional jurisdiction and is liable to be dismissed.

The revision hereby dismissed on merit.

(B.S. Verma, J.)

Dated:-5-4-2006

M.K.